

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CR No.8499 of 2017 (O & M)
Date of Decision:05.12.2017

Dhirender Kumar Sharma and others

...Petitioners

Versus

Dalbir Singh Pundhir and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Bhargava, Advocate
for the petitioners.

ANIL KSHETARPAL, J.(Oral)

Defendants-petitioners are in revision petition against the order dated 19.04.2017, striking off the defence of the defendants on account of non-filing of the written statements within the time prescribed.

Learned counsel for the petitioners has submitted that initially the defendants had filed an application under Order 7 Rule 11 CPC for rejection of the plaint. Notice of the application was given. Reply was filed by the plaintiff and thereafter the case remains pending for decision on the application under Order 7 Rule 11. The application under Order 7 Rule 11 CPC was dismissed on 19.01.2017.

Taking into consideration the aforesaid facts, this Court is of the considered opinion that the defendants deserves to be granted one more opportunity to file their written statement.

Hence, the impugned order is modified. Defendants-petitioners are granted one more opportunity to file their written statement. This opportunity shall be subject to payment of cost of Rs.10,000/-.

Since this Court has passed an order without issuing notice, the respondent shall be at liberty to move an application for recall.

05.12.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No